HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting)

(Chapter VIII Rule 32 (2)(b)

Description of the case.

W.P. No.1358 of 2003

Navi Ahmad vs. State and others

Approved for reporting.

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~~Not approved for reporting~~

Date of decision. 1.12.2003

Initial of Judge

HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No.1358 of 2003 (SS)

Navi Ahmad …….. Petitioner

Versus

State of Uttaranchal & others …..……. Respondents

Sri Parishit Saini, Advocate for the petitioner
Standing counsel for the respondents.

Dated:-1.12.2003

Hon'ble Rajesh Tandon, J.

Heard the learned counsel for the parties at length.

By the present writ petition the petitioner has prayed for the issue of a writ, order of direction in the nature of certiorari quashing the order dated 3.10.2003 passed by the respondent no.3 annexure-2 to the writ petition.

Briefly stated the facts giving rise to the present writ petition are that the petitioner is Bandirakshak in District Jail, Haridwar. The petitioner has submitted that on 13.9.2003 he was on duty in the first span from 00.01 hrs. to 04.00 hrs. and in the second span from 12,.00 hrs. to 16.00 hrs. The allegations against the petitioner are that the

Jailor has asked the petitioner to escort the prisoners to the Hospital but the petitioner refused to that, as he was not on duty at that time. The contention of the petitioner are that the allegations against him are wholly imaginary and ill-motivated. The petitioner has further submitted that the appointing authority of the petitioner is Superintendent of Central Jail, Agra and he is the competent authority to suspend the petitioner and the respondent no.3 is not the competent authority to pass suspension order under section 1121 of U.P. Jail Manual.

It has been informed the Court by the Standing Counsel that inquiry is going on in the matter. It will be open for the petitioner to participate in the inquiry and to raise the points of applicability of Section 1121 of U.P. Jail Manual before the inquiry officer. The respondents are directed to complete the inquiry within six weeks after the receipt of certified copy of this order.

No interference against the suspension order is made out under Article 226 of the Constitution of India and the writ petition is not maintainable.

Subject to the aforesaid observations, the writ petition is dismissed. No order as to costs.

(Rajesh Tandon, J.)

1.12.2003
*Dhyani